

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

BILLY J. STANLEY

PLAINTIFF

V.

NO. 4:15-CV-185-DMB-DAS

STANLEY FLAGG

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION

On April 15, 2016, following a *Spears* hearing, United States Magistrate Judge David A. Sanders issued a Report and Recommendation, recommending that Billy J. Stanley's claim against Stanley Flagg for failure to protect be dismissed for failure to state a claim upon which relief could be granted. Doc. #17. The Clerk of Court mailed the Report and Recommendation to Stanley that same day.

The Report and Recommendation warned that "failure to file written objections to the findings, conclusions, and recommendation in a magistrate judge's report and recommendation within [14] days after being served with a copy shall bar that party, except on grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court"¹ *Id.* at 3 (citations omitted). More than fourteen days have passed since the issuance of the Report and Recommendation and no party has filed objections. Accordingly, this Court's review of the Report and Recommendation is limited to plain error. *Morales v. Mosley*, No. 3:13-cv-848, 2014 WL 5410326, at *2 (S.D. Miss. Oct. 22, 2014) (citing *Shelby v. City of El Paso*, 577 F. App'x 327, 331 (5th Cir. 2014) ("When there has been no objection to a report and recommendation, review is limited to plain error."); *Lampkin v. Bank of Am.*, No. 14-20775, 2016

¹ The Report and Recommendation also ordered Stanley to "acknowledge receipt ... by signing the enclosed acknowledgment form and returning it to the clerk of the court within fourteen (14) days of [the date of the Report and Recommendation]," warning that failure to do so "may lead to dismissal of this lawsuit under Fed. R. Civ. P. 41(b) for failure to prosecute the claim and for failure to comply with an order of the court." Doc. #17 at 3-4.

WL 1376218, at *1 (5th Cir. Apr. 6, 2016) (reviewing district court's order adopting magistrate's report for plain error) (citing *Douglass*, 79 F.3d at 1428–29).

The Court has reviewed the Report and Recommendation and found no plain error. Therefore, the Report and Recommendation [17] is **ADOPTED** as the order of the Court and the failure-to-protect claim against Stanley Flagg is **DISMISSED**.

SO ORDERED, this 26th day of May, 2016.

/s/ Debra M. Brown
UNITED STATES DISTRICT JUDGE